

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

EDMUNDO AMPARAN and
KIMBERLY L. AMPARAN,

Plaintiffs,

vs.

No. 1:15-CV-00045 WJ/LAM

MEVLUT BERKAY DEMIR,
DENIZCAN KARADENIZ, and
AVIS RENT A CAR SYSTEM, LLC,
a Delaware Limited Liability Company.

Defendants.

ORDER GRANTING IN PART AND DENYING IN PART
PLAINTIFFS' MOTION TO COMPEL

THIS MATTER is before the Court on *Plaintiffs' Motion to Compel Discovery and Initial Disclosures From Defendant Avis Rent A Car System, LLC* (Doc. 48), filed September 30, 2015. On October 19, 2015, Defendant Avis Rent-A-Car System, LLC (hereinafter, "Defendant Avis") filed a response to the motion [Doc. 49], and, on October 21, 2015, Plaintiffs filed a *Notice of Completion of Briefing* (Doc. 50), stating that their motion was ready for a decision [Doc. 50]. Having considered the motion, response, notice of completion of briefing, record of the case, and relevant law, the Court finds that the motion shall be **GRANTED in part** and **DENIED as moot in part**.

In Plaintiffs' motion to compel, Plaintiffs contend that Defendant Avis has failed to produce the following information: (1) confirmation regarding License AgreementS and Rental Manuals; (2) information about who is responsible for the information that was the subject of Requests for Admission Nos. 4, 5, 6, 8, 12, and 13; (3) Defendant Avis' verification page for its answers to Interrogatories; and (4) insurance information as required by

Fed. R. Civ. P. 26(a)(1)(iv). [*Doc. 48* at 1-2]. In response, Defendant Avis states that it “believes that the discovery issues identified by Plaintiffs are now resolved,” and states that: (1) it has provided the verification page for Defendant Avis’ Answers to Plaintiffs’ Second Set of Discovery Requests; (2) it has provided confirmation regarding the License Agreements at issue; (3) the insurance information issue has been resolved; and (4) “at this time Avis is unable to confirm whether all aspects of the rental manuals were in effect in June/July of 2014” and that Defendant Avis “is currently examining its files to determine whether there are any internal memorandums regarding the policies and procedures identified in Plaintiffs’ discovery requests that were in effect for the date of the accident.” [*Doc. 49* at 2-4]. With regard to the rental manuals, Defendant Avis states that it “is working to get any additional information, if it exists, as quickly as possible, but it will take some time.” *Id.* at 4. In addition, Defendant Avis contends that Plaintiffs’ request for Defendant Avis to identify who is responsible for the information that was the subject of Request for Admission Nos. 4, 5, 6, 8, 12, and 13 is a new request; however, Defendant Avis states that it is willing to provide the name of the person responsible for the website content. *Id.* at 4-5.

The Court finds that Plaintiffs’ motion to compel should be granted as to the information Defendant Avis states that it is working on producing -- specifically the information regarding the rental manuals and the name of the person responsible for the website content. As to the remaining issues, Plaintiffs’ notice of completion of briefing indicates that Plaintiffs do not dispute Defendant Avis’ contention that these issues have been resolved. Therefore, the Court finds that Plaintiffs’ motion should be denied as moot as to these requests.

IT IS THEREFORE ORDERED, for the reasons stated above, that *Plaintiffs' Motion to Compel Discovery and Initial Disclosures From Defendant Avis Rent A Car System, LLC* (Doc. 48) is **GRANTED in part** and **DENIED as moot in part**.

IT IS FURTHER ORDERED that, **within fourteen (14) days of the entry of this Order**, Defendant Avis shall provide the requested information regarding the rental manuals, if any, and the name of the person responsible for the website content.

IT IS SO ORDERED.



LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE